

Town Board Minutes

**Meeting
No. 28**

Regular Meeting

October 5, 1998

MEETINGS TO DATE 28
NO. OF REGULARS 19
NO. OF SPECIALS 9

Page 600
LANCASTER, NEW YORK
OCTOBER 5, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 5th day of October 1998 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
DONALD KWAK, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

OFFICIAL REPORTS:

The Town Clerk reported that the Supervisor has filed with his office the 1998 Tentative Budget of the Town of Lancaster and that copies of that budget have been provided to the Town Board members and that other copies are available at the Town Clerk's Office and the Lancaster Public Library for inspection and copying.

PERSONS ADDRESSING TOWN BOARD:

Beilman, Jack, 19 Inwood Place, spoke to the Town Board on the following matter:

- The dedication of twenty-five citizens who circulated a petition opposing the proposed IMAX Theatre Complex at the Wehrle/Transit Retail Center.

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- STAR Tax Relief Program.
- Cost of trash collection.
- Tax rates.

Hammer, Fred, 240 Ransom Road, spoke to the Town Board on the following matters:

- Youth Programs
- Financial data available to Board Members
- Local collection of hazardous wastes
- Police protection at Main Street and Penora Street
- Lowering taxes

Hammond, Harold, 142 Burlington Avenue, spoke to the Town Board on the following matter:

- Complimented the Town Board on the professional manner in which they sought citizen input in the Dunn Tire rezone matter.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter: Page 601
• Complained of selected enforcement of Town Ordinances.

Konst, Harry, 3803 Bowen Road, spoke to the Town Board on the following matter:
• Indicated his support of the IMAX Theatre project proposed for the Wehrle/Transit Retail Complex.

Schneegenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:
• Requested additional information on prefiled resolution numbers 6 and 7.
• Noted to the Town Board that some of the 12 conditions on a dumping permit for property on the west side of Bowen Road, south of Broadway have not been met.

Wander, Art, 9 Broadmoor Court, spoke to the Town Board on the following matter:
• Noted to the Town Board that the developers of Trentwood Trail Subdivision are not adhering to the conditions contained in the conditional approval of the rezone for this subdivision area.

Fleischman, Mark, 127 Belmont Avenue, spoke to the Town Board on the following matter:
• Experienced concerns about commercial development expanding north along Belmont Avenue from Walden Avenue.

Morningstar, Al, 5743 Genesee Street, spoke to the Town Board on the following matter:
• Requested additional information on prefiled resolution number 7.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the rezone petition of Richard Thurnherr II for premises situate at 131 Pavement Road in the Town of Lancaster, rezone of said property from AR-Agricultural Residential District, to CMS-Commercial Motor Service District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

ADDRESS

Richard Thurnherr, the petitioner
Robert Krolczyk
Charles Nowicki
Robert Richards

131 Pavement Road
148 Pavement Road
139 Erie Street
141 Pavement Road

OPPOSERS

ADDRESS

None

COMMENTS & QUESTIONS

ADDRESS

None

ON MOTION BY COUNCIL MEMBER MONTGOMERY, AND SECONDED BY
COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was
closed at 8:40 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR TO WIT:

RESOLVED, that the minutes from Joint Meeting of the Town Board and
the Planning Board held on September 21, 1998, and the Regular Meeting of the Town Board
held on September 21, 1998, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster has been notified by the New York State Division of Criminal Justice Services of the continuation of the Youth Court and Community Sanctions Program grant, and has asked the Town of Lancaster to continue to fund the Youth Court Coordinator position, and

WHEREAS, there are excess funds available through line item transfers within the Youth Services section of the 1998 Budget to continue funding the Youth Court Coordinator position through the remainder of 1998, and

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated September 18, 1998, has recommended the re-appointment of **JENNIFER CANDINO** to the position of Youth Court Coordinator, full-time, with the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that **JENNIFER CANDINO**, 209 Argus Drive, Depew, New York 14043, be and is hereby appointed to the position of Youth Court Coordinator in the Office of the Youth Bureau, effective October 1, 1998, at an hourly rate of \$11.40, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK TO WIT:

WHEREAS, the General Crew Chief, by letter dated September 17, 1998, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the fall/winter season of 1998/1999,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of seasonal employees for the fall and winter seasons of 1998/1999 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits, at the following hourly rates:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Nicole Chaika (rehire) 76 Banner Avenue, Lancaster	Lifeguard	\$6.00 hr.
Sheri Cummings (rehire) 44 Cowing Street, Depew	Lifeguard	\$5.75 hr.
Keith Fraas (rehire) 12 Idlebrook Court, Lancaster	Lifeguard	\$7.00 hr.
Stacy Helminiak (rehire) 699 Schwartz Road, Lancaster	Lifeguard (Pool Supervisor)	\$7.25 hr.
Cheryl Jankiewicz (rehire) 38 West Home Road, Lancaster	Lifeguard	\$5.75 hr.
Kenneth Kraus (rehire) 7 Partridge Walk, Lancaster	Lifeguard (Substitute)	\$5.25 hr.
Lynn Kraus (rehire) 7 Partridge Walk, Lancaster	Lifeguard	\$7.00 hr.
Jessica Stotz (rehire) 3599 Bowen Road, Lancaster	Lifeguard	\$5.50 hr.
Evelyn Vento (rehire) 127 Fourth Avenue, Lancaster	Lifeguard	\$5.75 hr.

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take to necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA, WHO MOVED ITS
 ADOPTION, SECONDED BY COUNCIL
 MEMBER CONNELLY, TO WIT:

WHEREAS, Disaster Coordinator George MacPeck, by memorandum dated September 17, 1998, has requested the Supervisor of the Town of Lancaster to transfer funds between line items in the 1998 Disaster Preparedness budget,

NOW, THEREFORE, BE IT

RESOLVED that the following line item transfers be and are hereby approved in the 1998 adopted budget of the Town of Lancaster:

General Fund - Town Outside Villages:	<u>Decrease</u>	<u>Increase</u>
B3670.220 Disaster Preparedness, Passenger Vehicles	\$ 5,000	\$
B3670.245 Disaster Preparedness, Public Safety Equipment	<u> </u>	<u>5,000</u>
General Fund - Town Outside Villages Totals:	\$ 5,000	\$ 5,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated September 18, 1998, has requested authorization to have Captain Leon Trzewieczynski attend the Federal Bureau of Investigation National Academy in Quantico, Virginia for an eleven week program beginning early in January 1999, and

WHEREAS, by same letter, the Chief of Police has notified the Town Board that the cost of the academy is covered by the Federal Bureau of Investigation and that the Police Chief has applied to same for a subsistence allowance including lodging, meals and transportation, and

WHEREAS, the Police Department would continue to provide the Captain's salary during said training with additional costs to the department to be addressed at a later date,

NOW, THEREFORE, BE IT

RESOLVED, that Captain Leon Trzewieczynski be and is hereby authorized to attend the Federal Bureau of Investigation National Academy in Quantico, Virginia for an eleven week program beginning early in January 1999, and

BE IT FURTHER

RESOLVED, that the salary of Captain Leon Trzewieczynski will be continued during said training with additional costs to the department to be addressed at a later date, and

BE IT FURTHER

RESOLVED, that said expenses involved with this training program will be reimbursed upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:**

WHEREAS, Anthony F. Batog, 540 Ransom Road, Lancaster, New York 14086, has applied for a Dumping Permit for property situated at 540 Ransom Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation. and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Anthony F. Batog, 540 Ransom Road, Lancaster, New York 14086 be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 540 Ransom Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should also be aware that if he intends to build on any filled area, bore samples along with a structural engineer's report will be required prior to the issuance of a building permit.
3. Filled area must be topsoiled and seeded to prevent erosion.
4. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
5. Dirt tracked on the road must be cleaned on a daily basis and more often, if necessary.
6. Existing ditch shall be maintained to direct the flow of water to the rear of the property.

7. No fill material shall be placed in or near, within 15', of the existing ditch along the rear of the property
8. Dumping will be allowed between the hours of 7 A.M. and 5 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.

and.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, Nikolaos G. Skaros, 5 Pauline Court, Lancaster, New York 14086, has applied for a Dumping Permit for property situated at the corner of Town Line Road/Broadway, east of Town Line Fire Hall, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Nikolaos G. Skaros, 5 Pauline Court, Lancaster, New York 14086 be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at the corner of Town Line Road/Broadway, east of Town Line Fire Hall, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should also be aware that if he intends to build on any filled area, bore samples along with a structural engineer's report will be required prior to the issuance of a building permit.
3. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
4. Dirt tracked on the road must be cleaned on a daily basis and more often, if necessary.
5. Dumping will be allowed between the hours of 7 A.M. and 5 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.

6. Clear the land of brush and small trees which will be disposed of in an off site landfill acceptable to the town.
7. Strip the existing topsoil to a dept of 12 inches and temporarily store it in open piles on site.
8. Grade the fill to maintain and reproduce pre-existing drainage to the southwest towards Cayuga Creek as shown on attached plan.
9. Cover the fill with the stored topsoil, maintaining a grade to permit drainage towards Cayuga Creek.
10. Discontinue access from Town Line Road to paved area behind fire department.
11. Seed the topsoil with grass seed of a type and at a rate acceptable to the Town.
12. Preserve larger trees as far as possible. Trees which do not survive the clearing and filling process will be removed and disposed of in an off-site landfill acceptable to the Town.

and.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated
September 29, 1998, has requested the addition of the following members to the membership
roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
additions to the membership of the Town Line Volunteer Fire Department, of the following
individuals:

ADDITIONS:

Eric Wolski
5086 Broadway
Depew, New York 14043

Jim Brass Jr.
11052 John Court
Alden, New York 14004

Paul Wild
319 Main Street
East Aurora, New York 14052

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Chiefs of Police of the Town of Lancaster, Village of
Lancaster, and the Village of Depew have jointly recommended to their various municipal boards
that a set date and time be set aside for the observance of Halloween within the Town of
Lancaster, including the Villages therein,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, hereby declares
Saturday, October 31, 1998, between the hours of 6:00 P.M. and 8:30 P.M., as the official
period during which Halloween trick or treat activities may be observed within the Town of
Lancaster, outside the Villages.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1997

File: RPR (PI)

PREFILED RESOLUTION NO. 10 - MEETING OF 10/05/98

10. Giza/_____ Appoint John Gober Planning Board Member

At the request of Supervisor Giza the Town Clerk was directed to re-present this resolution at the next Town Board meeting scheduled for October 19, 1998..

File: RWTIDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY , TO WIT:

WHEREAS, the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant funds for the year 1999-2000 and must identify eligible projects which would benefit low to moderate income persons in the Town, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposal to meet those needs to assist the Town Board in developing the Town application for Community Development Block Grant funds;

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of October, 1998, at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board , which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

File: rcd bgh.098

**NOTICE OF PUBLIC HEARING
NOTICE TO CITIZENS
OF THE
TOWN OF LANCASTER**

A Public Hearing will be held on the 19th day of October, 1998, at 8:30 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by October 14, 1998.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

October 5, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 21st day of September, 1998 on the petition of Gold Seal Equity Partnership, for the rezone of certain property located on the northeast corner of Walden Avenue and Burlington Avenue and locally known as 3524 Walden Avenue in the Town of Lancaster, from an NB-Neighborhood Business District, to CMS-Commercial Motor Service District, for Dunn Tire Corporation, and

WHEREAS, the Planning Board of the Town of Lancaster has unanimously recommended approval of the rezone, and

WHEREAS, a SEQR review was completed on the proposed rezone and project on September 8, 1998, and a Negative Declaration issued, and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an NB-Neighborhood Business District to a CMS-Commercial Motor Service District:

ALL OF THAT TRACT OR PARCEL OF LAND situated in the Town of Lancaster, County of Erie and State of New York, being part of Lots Nos. 3 and 5, Section 11, Township 11, Range 6, of the Holland Land Company's Survey, and according to map filed in the Erie County Clerk's Office under Cover No. 867, is known as the south one-half of Subdivision Lot No. 60, and all of Subdivision Lots Nos. 61 to 65 inclusive, further bounded and described as follows:

BEGINNING at the intersection of the west line of Belmont Avenue, with the northerly line of Walden Avenue (99 feet wide);

THENCE westerly along the northerly line of Walden Avenue, a distance of 113.42 feet to the easterly line of the Village of Depew;

THENCE northerly along the easterly line of the Village of Depew a distance of 241.70 feet.

THENCE easterly a distance of 111 feet to a point in the westerly line of Belmont Avenue, distance 220.38 feet northerly from the point of beginning, as measured long the westerly line of Belmont Avenue;

THENCE southerly along the westerly line of Belmont Avenue 220.38 feet to the point of beginning.

2. That this Ordinance Amendment shall be subject to the following condition:
-- That Petitioner shall apply for all necessary variances including a variance for lot size.
3. That said Ordinance Amendment be added in the minutes of the meeting Town Board of the Town of Lancaster held on the 5th day of October, 1998;
4. That a certified copy thereof be published in the Lancaster Bee, on or before the 8th day of October, 1998;
5. That Affidavits of Publication be filed with the Town Clerk; and
6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR	VOTED YES

October 5, 1998

**LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
GOLD SEAL EQUITY - (DUNN TIRE)**

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an NB-Neighborhood Business District to a CMS-Commercial Motor Service District:

ALL OF THAT TRACT OR PARCEL OF LAND situated in the Town of Lancaster, County of Erie and State of New York, being part of Lots Nos. 3 and 5, Section 11, Township 11, Range 6, of the Holland Land Company's Survey, and according to map filed in the Erie County Clerk's Office under Cover No. 867, is known as the south one-half of Subdivision Lot No. 60, and all of Subdivision Lots Nos. 61 to 65 inclusive, further bounded and described as follows:

BEGINNING at the intersection of the west line of Belmont Avenue, with the northerly line of Walden Avenue (99 feet wide);

THENCE westerly along the northerly line of Walden Avenue, a distance of 113.42 feet to the easterly line of the Village of Depew;

THENCE northerly along the easterly line of the Village of Depew a distance of 241.70 feet.

THENCE easterly a distance of 111 feet to a point in the westerly line of Belmont Avenue, distance 220.38 feet northerly from the point of beginning, as measured along the westerly line of Belmont Avenue;

THENCE southerly along the westerly line of Belmont Avenue 220.38 feet to point of beginning.

This site plan approval is conditioned upon petitioner obtaining all necessary variances including a variance for the lot size.

October 5, 1998

**STATE OF NEW YORK :
COUNTY OF ERIE : ss;
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, Robert P. Thill, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 5th day of October and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 6th day of October, 1998.

(SEAL)


Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 4582 to Claim No. 4768 Inclusive

Total amount hereby authorized to be paid: **\$426,361.77**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

File: RCLAIMS

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR TO WIT:**

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt # SW	Applicant Name	Address	Structure
5411	Fran Silvestri	192 Enchanted Fst S	Er. Fence
5412	Deborah Watkins	345 Stony Rd	Ext. Garage
5413	Lancaster Country Club	6061 Broadway	Er. Sign
5414	Marrano/Marc Equity	388 Seneca Pl	Er. Sin. Dwlg
5415	Marrano/Marc Equity	20 Bentley Cir	Er. Sin. Dwlg
5416	Majestic Pools Inc.	21 Hillside Pkwy	Er. Fence
5417	Denise Edmonson	1342 Townline Rd	Er. Shed
5418	Alliance Homes	24 Chestnut Corner	Er. Sin. Dwlg
5419	M. Sebastiano & Sons	24 Haskell Dr	Rem. Sin. Dwlg
5420	M. Sebastiano & Sons	24 Haskell Dr	Er. Garage
5421	Beauty Pools	10 Hampton Ct	Er. Fence, Pool
5422	Kenneth Wojnowski	2 Westbury Ln	Er. Shed
5423	Homes By Walter	25 Village View	Er. Sin. Dwlg
5424	Keller Funding	4891 Transit Rd	Er. Sign
5425	Mark & Gina Williams	73 Michael's Wlk	Er. Shed
5426	Lynn Lewandowski	110 Michael's Wlk	Er. Shed
5427	Donna Barten	1204 Penora St	Ex. Garage
5428	Kenneth Mucha	57 Didion Rd	Er. Storage Bldg
5429	Jerry Nagowski	17 Michael Anthony Ln	Er. Pool
5430	Margaret Hooper	84 Country Pl	Er. Deck/Pool
5431	Mr Szymanski	117 Iroquois Ave	Er. Shed
5432	Dennis Talani	41 Sagebrush Ln	Er. Shed
5433	A V Randaccio Bldr	12 Windcroft Ln	Er. Sin. Dwlg
5434	Michael Freier	12 Butler Dr	Er. Shed
5435	Jeam Shepard	33 Stream View Ln	Er. Fence
5436	TABLED (see next Resolve)		
5437	Ruth Lorenz	126 Ransom Rd	Er. Fence
5438	Donato Developers Inc	59 Michael's Wlk	Er. Sin. Dwlg
5439	Marrano/Marc Equity	369 Seneca Pl	Er. Sin. Dwlg
5440	No Bull Oil Facility	4885 Transit Rd	Er. Temp Sign
5441	Ryan Homes	280 Enchanted Fst N	Er. Sin. Dwlg

5442	Marrano/Marc Equity	11 Bentley Cir	Er. Sin. Dwlg
5443	Marrano/Marc Equity	389 Seneca Pl	Er. Sin. Dwlg
5444	Wm Bosse	43 W Home Rd	Er. Sin. Dwlg
5445	Russell Gangloff	527 Pleasant View Dr	Er. Pool
5446	Ted & Marlene Canaski	39 Michael Anthony Ln	Er. Shed
5447	Sun Enterprises	3 Stone Hedge Dr	Ex. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that Building Permit Application No. 5436 applied for by Alco Plastics Inc to erect an office building on premises situate on 35 Ward Road be and is hereby tabled for further study, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER, STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:**

WHEREAS, Good Earth Organics Corporation received site plan approval by the Town Board of the Town of Lancaster by resolution dated September 15, 1997, and

WHEREAS, a Building Permit was approved and issued April 16, 1998, and

WHEREAS, construction did not commence within one year of the September 15, 1997 site plan approval which was a condition of the Town Board resolution and the project owner has now requested an extension of the time limit set forth in the September 15, 1997 resolution and the Town Board having reviewed the circumstances of the request;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby amends the resolution of September 15, 1997 involving the site plan approval of Good Earth Organics by extending the time to commence construction to December 31, 1998.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

File: rgoderth.098

Council Member Connelly requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of installing school pedestrian warning signs around the new William Street Elementary School, and

WHEREAS, since William Street is a County road the County of Erie Department of Public Works must approve the installation of such signs;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to submit a written request to the County for the approval of installation of the beforementioned signs, designating the location thereof as well.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 5, 1998

File: rpedsign.098

COMMUNICATIONS:

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- 626. General Crew Chief to Supervisor -
Requests appointment of part-time positions in the Recreation Department for the fall/winter season. DISPOSITION = Received and Filed
- 627. Police Chief to Town Board -
Expresses no objections to site plan for Anderson's Restaurant. DISPOSITION = Received and Filed
- 628. Police Chief to Town Board -
Requests authorization for Capt. Trzewieczynski to attend Federal Bureau Of Investigation National Academy in January 1999. DISPOSITION = Received and Filed
- 629. Police Chief to Town Board -
Requests authorization for Officer Kerl to attend an Emergency Medical Service Conference Vital Signs 98 in November in Syracuse, New York. DISPOSITION = Received and Filed
- 630. Joseph J. Juszczak to Supervisor -
Suggestions re: highways dedicated to the Town of Lancaster. DISPOSITION = Highway Committee
- 631. CSEA President to Town Board -
Union gives approval of vacation carry over request by Irene Dwyer. DISPOSITION = Received and Filed
- 632. Town Clerk to Town Board -
Transmittal of legal notice for Zoning Board Meeting October 8, 1998. DISPOSITION = Received and Filed
- 633. Erie County Soil & Water Conservation District to Town Board -
Notice of meeting for members of the Buffalo Creek Streambanks Stabilization Partnership on October 8, 1998. DISPOSITION =
- 634. Highway Superintendent to Town Board -
Transmittal of inventory of highway machinery, tools and equipment. DISPOSITION = Property Manager
- 635. Planning Board Chairman to Town Board
Transmittal of agenda for meeting of October 7, 1998. DISPOSITION = Planning Committee
- 636. Residents to Town Board -
Concerns re: tree planting in conservation area. DISPOSITION = Conservation and Tree Planting Committee
- 637. Maria Bell to Supervisor -
Request automatic door at Lancaster Library for the disabled and remedial sidewalk work on Broadway. DISPOSITION = Library Committee
- 638. Phillips, Lytle, Hitchcock, Blaine & Huber LLP to Town Board -
Request extension of Building Permit No. 4755 for Good Earth Organics Corp. at 5960 Broadway. DISPOSITION = Received and Filed
- 639. Phillips, Lytle, Hitchcock, Blaine & Huber LLP to Supervisor -
Confirmation of phone conversation of September 24, 1998 re: construction at 5960 Broadway under Building Permit No. 4755. DISPOSITION = Received and Filed
- 640. Youth Bureau Ex. Dir. to Town Board -
Notification of grant money available to fund Youth Court Coordinator position with request to re-appoint Jennifer Candino to same effective October 1, 1998. DISPOSITION = Received and Filed
- 641. NYS Banking Dept. to Supervisor -
Consumer update re: new federal law effective July 29, 1999 re: automatic termination of private mortgage insurance when borrower's equity reaches 22%. DISPOSITION = Received and Filed
- 642. Supervisor to American Ref-Fuel Co. -
Notification of Town's exercising option to terminate disposal agreement on September 22, 2003. DISPOSITION = Supervisor

643. County Community Planning Coordinator to Various Officials -
Notice of 1998-2000 CDBG Project Application Process to be held September 29, 1998 in West Seneca. DISPOSITION = Received and Filed
644. ECDEP to Supervisor -
Notice that three dates have been set for public forums re: needs and priorities of low/moderate income residents residing within the County CD Block Grant Consortium. DISPOSITION = Received and Filed
645. Erie County Legislator Tod Kniazuk to recommended County/Municipal Regionalism Grant Applicants -
Update on status of grant application through the 1998 County/Municipal Regionalism Program. DISPOSITION = Received and Filed
646. Assistant Secretary of State to Supervisor -
Letter of appreciation for opportunity to discuss issues. DISPOSITION = Received and Filed
647. Daniel A. Martin to Town Clerk -
Request refund of Building Permit No. 4965 in the amount of \$31.80. DISPOSITION = Received and Filed
648. Disaster Coordinator to Town Board -
Minutes from meeting held September 24, 1998. DISPOSITION = Received and Filed
649. Village of Lancaster Director of Development -
Notice of various public hearings to be held re: Regional Comprehensive Plan. DISPOSITION = Received and Filed
650. Police Chief to Town Board -
No objections to Brookhaven Apartments site plan. DISPOSITION = Received and Filed
651. Police Chief to Public Safety Committee Chair. -
Comments and transmittal of full analysis of the 1997 statistics re: crime problem in community and work product of the Police Department. DISPOSITION = Public Safety Committee
652. Town Engineer to Town Board -
Recommend approval, with conditions, of Nikolaos G. Skaros dumping permit. DISPOSITION = Received and Filed
653. Town Engineer to Town Board -
Recommend approval, with conditions, of Anthony Batog dumping permit. DISPOSITION = Received and Filed
654. Building Inspector to Town Clerk -
No objection to refund of building permit No. 4965 of Mr. Daniel Martin in the amount of \$31.80. DISPOSITION = Received and Filed
655. County Div. of Highways to Town Clerk -
Comments re: school pedestrian warning signs around William Street School. DISPOSITION = Public Safety Committee
656. Town Line VFD to Town Clerk -
Request approval of addition of new members to active roster. DISPOSITION = Received and Filed
657. John Gober to Town Board -
Notification of resignation as Planning Board member effective 10/10/98 for pension purposes with request for re-appointment to same position effective October 19, 1998. DISPOSITION = Received and Filed
658. Town Clerk to Town Board -
Monthly Contract Expiration Report for December 1998. DISPOSITION = Town Attorney
659. Town Clerk to Media -
Notice of SEQR meeting to be held October 5, 1998 at 6:30 p.m. re: Western New York B.I.C.S. site plan. DISPOSITION = Received and Filed
660. Town Clerk to Supervisor -
Monthly report for September 1998. DISPOSITION = Received and Filed

- 661. President Sealing Devices to Planning Board Chairman -
Appreciation of support for issue of widening Walden Avenue. DISPOSITION = Received and Filed
- 662. Friends of Como Park to Supervisor and Town Board -
Notification of seventh annual "Halloween in the Park". DISPOSITION = Received and Filed
- 663. Phillips, Lytle, Hitchcock, Blaine & Huber LLP to Town Board -
Request for extension of building permit No. 4755, 5960 Broadway, Good Earth Organics. DISPOSITION = Received and Filed
- 664. Phillips, Lytle, Hitchcock, Blaine & Huber LLP to Supervisor -
Confirmation of telephone conversation re: building permit No. 4755, Good Earth Organics. DISPOSITION = Received and Filed
- 665. Niagara Frontier Transit Improvement Digest to Town Board -
Transmittal of newsletter. DISPOSITION = Received and Filed
- 666. NYSDOT to Supervisor -
Request forwarding of booklet to Highway Superintendent titled "Maintenance of Traffic for Utility Companies on State Highway in Region 5". DISPOSITION = Received and Filed
- 667. Collision Excellence to Town Board -
Sincere thank you for honoring them as *Newcomer of the Year*. DISPOSITION = Received and Filed
- 668. NYSDOT to Supervisor -
Notification of *Open House* to be held re: resurfacing of Walden Avenue from Conrail overpass to Cemetery Road. DISPOSITION = Town Engineer
- 669. Independent Health to Director of Finance -
Points of consideration re: Promedicus Health Group's decision to no longer participate with Independent Health. DISPOSITION = Received and Filed
- 670. Independent Health to Members -
Comments re: Prodedicus Health Group dropping out of plan. DISPOSITION = Received and Filed
- 671. Promedicus Health Group to Patient -
Comments re: their decision to leave Independent Health. DISPOSITION = Received and Filed
- 672. Town of Marilla to Town of Lancaster -
Transmittal of Notice of Public Hearings on three proposed Local Laws. DISPOSITION = Received and Filed
- 673. Harry Konst to Supervisor -
Requests permission to speak at Town Board Meeting on 10/6/98 on behalf of Depew-Elma-Lancaster Chamber of Commerce. DISPOSITION = Received and Filed
- 674. Harry Konst to Robert Alonzo -
Request for more information on IMAX and notification of his proposal to speak in support of IMAX. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:15 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk